

**Bunnell, Julia**

---

**From:** Bunnell, Julia  
**Sent:** Friday, March 25, 2016 9:43 AM  
**To:** 'c.mccreery@comcast.net'  
**Subject:** FOIA Request: EPA-HQ-2016-004592 Fee Waiver Appeal

Dear Mr. McCreery,

Thank you for your correspondence regarding your FOIA request and request for a fee waiver. One of the ways in which the agency evaluates the granting of a fee waiver is whether or not the requester has fully articulated the means by which they intend to disseminate the information they are requesting. I appreciate your fuller description below and believe that it fulfills the requirements for a fee waiver. Please consider this a full grant for your waiver. It may take a few days for the grant to show up in FOIAonline, but as of receipt of this correspondence it is officially granted.

Please do not hesitate to write to me or call if you have any additional questions or concerns.

Regards,

Julia

Julia Bunnell  
Acting National FOIA Officer  
Office of Environmental Information  
Office of Information Collection  
US Environmental Protection Agency  
(202) 564-1317

**From:** Green, LindaE On Behalf Of FOIA HQ  
**Sent:** Thursday, March 24, 2016 3:55 PM  
**To:** Bunnell, Julia <[Bunnell.Julia@epa.gov](mailto:Bunnell.Julia@epa.gov)>  
**Subject:** FW: FOIA Request: EPA-HQ-2016-004592 Fee Waiver Appeal

**From:** [c.mccreery@comcast.net](mailto:c.mccreery@comcast.net) [<mailto:c.mccreery@comcast.net>]  
**Sent:** Thursday, March 24, 2016 2:54 PM  
**To:** FOIA HQ <[FOIA\\_HQ@epa.gov](mailto:FOIA_HQ@epa.gov)>  
**Subject:** FOIA Request: EPA-HQ-2016-004592 Fee Waiver Appeal

Dear Julia Bunnell:

I am in receipt of your letter, dated March 23, 2016, informing me of your decision to deny my request for fee waiver associated with the above-referenced FOIA.

Although I made the request as an individual, the documents requested are related to, but not integral to, my position as Oceanographer with the Bureau of Ocean Energy Management (BOEM). My role with BOEM is water quality SME overseeing ocean discharges by the oil and gas industry pursuant to NPDES general permits. I contribute to NEPA documents generated by BOEM in support of oil and gas leasing in the Gulf of Mexico OCS. I am responsible for documenting in NEPA for the first time information on ocean dumping of chlorinated hydrocarbons in the Gulf of Mexico in 1973. Please refer to pages 4-16 and 4-17 of the Final Supplemental Environmental Impact Statement for Western Planning Area Lease Sale 248 at <http://www.boem.gov/BOEM-2016-005/>.

The drum dumpsite discussed in the Sale 248 document is in space-use conflict with current oil and gas-related activities. This site is located in the Mississippi Canyon protraction, near and surrounding the Shell Mars and Olympus platforms, and there are pipelines traversing the seafloor in the area. Shallow hazard surveys submitted by industry show sonar targets indicative of drums, and ROV photography confirms the drums. A current proposal before BOEM and BSEE involves installing a new pipeline through an area with a high density of drums, and the contractor proposes to place concrete mats around the drums to form a trestle. I have concerns that this activity could jeopardize the drums leading to potential release of their contents. There is another dumpsite, about 2,000 square miles in area, shown on the NOAA chart labeled "organochlorine waste." The requested records are expected to provide valuable information regarding this dumpsite, which is suspected to contain Agent Orange and/or its manufacturing byproducts (dioxin).

My FOIA also has potential value to historians, since the MPRSA Section 102 permitting program began on May 1, 1973, the day after a large reorganization in the Nixon administration, when William Ruckelhaus left as EPA Administrator and became acting Director of the FBI. Page 11 of a Report to Congress on Hazardous Waste Disposal, dated June 30, 1973 <http://nepis.epa.gov/Exe/ZyPDF.cgi/9101ZVK6.PDF?Dockey=9101ZVK6.PDF>, states that "DoD representatives have advised EPA that all stockpiles of biological warfare agents, including antipersonnel and anticrop agents, have been destroyed." In fact, ocean dumping of chlorinated hydrocarbons, permitted by EPA under Section 102 of the MPRSA, was ongoing at the time the Report was delivered to Congress, and may have continued until Mr. Ruckelhaus returned as EPA Administrator on May 18, 1983.

It is my intent to publish scientifically-pertinent parts of my research in NEPA documents and white papers issued by BOEM. Based on this information, **I again request a waiver from fees associated with this FOIA request.**

Sincerely,

Charles McCreery